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SUBJECT: MFA CONCERNED ABOUT VNHRA, LOOKING FORWARD TO VISITS

1. (U) Summary: During an hour-long discussion October 6, Vice Foreign Minister Le Van Bang told the Ambassador that the GVN, while concerned about the possible passage of the Human Rights Act in the Senate, was still looking forward to a visit to the United States by Prime Minister Phan Van Khai in 2005. Bang said he himself would visit the United States in March, possibly to advance PM Khai's visit. He agreed that Vietnam should address insurance and investment issues and improve its consular notification record, but was noncommittal on underwater POW/MIA operations, an Article 98 agreement, progress on key PEPFAR issues and movement on the purchase of the new Embassy building site. VFM Bang also asked about the establishment of a program to assist Central Highlands migrants who wanted to go to the United States. End Summary.

POSSIBLE PHAN VAN KHAI VISIT

2. (SBU) The Ambassador, accompanied by Poloff, met October 6 with Vice Minister of Foreign Affairs Le Van Bang. Bang said he had accepted an invitation to a seminar to commemorate the tenth anniversary of the normalization of bilateral relations at Texas Tech University in Lubbock at the end of March 2005. He looked forward to seeing former Ambassadors Burghardt and Peterson there, and suggested that Ambassador Marine might also be invited. After visiting Texas, Bang said he planned to come to Washington, D.C., to "connect with his old friends" and, possibly, advance the visit of Prime Minister Phan Van Khai. Advance visits, Bang said, usually took place about a month before the actual visit, so if PM Khai's visit were planned for early in the second quarter of 2005, his visit to Texas could double as an advance trip.

3. (SBU) VFM Bang said there were several agreements that the GVN was working on in advance of a possible visit by PM Khai, including the U.S.-proposed Bilateral Assistance Framework, a maritime transportation agreement and a Memorandum of Understanding on Culture. The Ambassador noted that important steps forward - such as an Article 98 agreement - should not be held up just to provide something to sign during a visit, but should be concluded when they were ready. Doing this ahead of a visit would be of substantial benefit to both sides, he added. VFM Bang agreed, noting that things should be done "step by step."

OTHER VISITS - GVN OFFICIALS

3. (SBU) The Ambassador asked Bang if there would be any other high-level visits in advance of a Khai visit, such as a rescheduled visit by Politburo member Phan Dien. Bang said we should keep in mind that, although it had not been possible to carry out the Phan Dien visit scheduled for July 2004, the preparation for that visit had had a positive effect. He suggested we contact Phan Dien directly with any questions about rescheduling that visit. The Ambassador noted the upcoming visit of Vice Foreign Minister Nguyen Phu Binh to the United States to meet with members of the overseas Vietnamese community. Bang said that this visit was a response to the consistent advice Vietnam had received from the U.S. Embassy to reach out more to the overseas Vietnamese community in the United States. Bang suggested the Embassy coordinate directly with VFM Binh to ensure a successful visit.

GVN: WTO WILL TAKE CARE OF INSURANCE, AUTO PROBLEMS

4. (SBU) Vice Minister of Finance Le Thi Bang Tam was currently in the United States, the Ambassador noted, and had met with Deputy United States Trade Representative Josette Shiner. The U.S. insurance and auto industries had serious concerns about the investment climate in Vietnam, he said, and this is something the GVN needs to address. The United States remained committed to Vietnam's accession to the WTO, the Ambassador confirmed, but that process would require a Congressional debate on Permanent Normal Trading Relations (PNTR) status and, in the course of that debate,

Vietnam would receive little help from American businesses if they felt that there had been no progress on issues of importance to them. VFM Bang said he agreed that the insurance and investment issues needed attention, and noted that "all of these problems will be resolved during the WTO accession process."

U.S. VISITORS AND CONSULAR ISSUES

15. (SBU) The Ambassador mentioned the upcoming visits to Vietnam of Assistant Secretary of State Maura Harty and Deputy Assistant Secretaries of State Marie Huhtala and Kelly Ryan. A/S Harty wants to discuss moving the adoption process forward and will also raise both the issue of timely consular notification of arrest and the status of consular officers working from the U.S. Consulate General in Ho Chi Minh City. VFM Bang agreed that it was necessary to improve timely consular notifications on both sides. A Vietnamese student had recently been detained for over two years in California without notification to Vietnamese consular authorities, he said. The Ambassador urged Bang to bring such cases to the Embassy's attention immediately. VFM Bang explained that Vietnam was happy to give free access to officers from the Consulate General in Ho Chi Minh City and already did so. He cited the recent trips by Consul General Winnick and others to the Central Highlands and Danang as examples, adding that, "in practice, your Ho Chi Minh City officers can work in the provinces. But official permission is difficult because it would force us to grant the same privileges to everyone, which is not possible."

PRM DAS RYAN'S VISIT

16. (SBU) VFM Bang asked what the United States and Vietnam could do to open up the legal migration options for residents of the Central Highlands who wanted to go to the United States, especially those with family members already there. The Ambassador replied that could be one of the subjects for the visit by DAS Kelly Ryan; with the support of Prime Minister Phan Van Khai, the United States is moving ahead to process the applications of family members seeking to join individuals who entered the U.S. from Cambodia in recent years. The Ambassador stressed the importance of handling these cases smoothly. He added that the United States was considering establishing an in-country processing program for refugee applicants.

WELCOME TO EAP DAS HUHTALA

17. (SBU) VFM Bang also said he welcomed the visit of DAS Marie Huhtala and regretted that he would not be in Vietnam at the time of her visit. He expected that it would be possible to set up a call with the Foreign Minister, and possibly also to have Vice Minister Phung host an event of some kind for her.

GVN CONCERN: VNHRA IN THE SENATE

18. (SBU) VFM Bang noted that the United States Congress was about to adjourn, and said that the GVN was "very worried" about the Vietnam Human Rights Act in the Senate. The HRA's passage, along with the designation of Vietnam as a Country of Particular Concern (CPC), would be "very damaging" and would "set back bilateral relations." He asked us to "make every effort" to stop that from happening in order to avoid a "strong protest" from Vietnam. The Ambassador noted that the best way to avoid this was to fix the situation on the ground and take clear actions that could be seen as positive developments, such as allowing new church registrations and publicly prohibiting forced renunciations. The September 21 sentencing of protestors from Gia Lai province sent a "negative signal, however." If honoring religious freedom was GVN policy, the Ambassador said, then the GVN should make that public, take concrete actions to demonstrate it and fill up "the positive side of the ledger." VFM Bang said the issue was not religious expression in Vietnam, but those who "promoted themselves through religion" and mixed politics and religion.

ARTICLE 98 AND IMET AGREEMENTS: DIFFICULT

19. (SBU) The Ambassador told Bang that other positive steps the GVN could take would be to sign Article 98 and 505 (IMET) agreements with the United States and to assist in the procurement of the site for the new Embassy building. VFM Bang said that an Article 98 agreement "would require further study" but that an IMET agreement was something that Vietnam was thinking about. English training through the agreement would be "valuable to us." Regarding the new chancery, Bang felt it would be necessary for him to meet face-to-face with the Russians in order to resolve some remaining concerns about the proposed site. He promised to

pursue this as soon as possible.

POW/MIA UNDERWATER OPERATIONS: WE'LL LOOK INTO IT

110. (SBU) The Ambassador also raised the issue of the underwater POW/MIA recovery operations we hoped to pursue using a U.S. ship, possibly with some Vietnamese officials on board and operating in tandem with a Vietnamese ship. The U.S. side wanted to move ahead on this humanitarian effort and make concrete plans, the Ambassador said, but was so far had been blocked by the Ministry of Defense's objection to any foreign naval vessel operating in Vietnamese waters. VFM Bang said he knew little about the issue but would look into it.

PEPFAR

111. (SBU) The Ambassador described planned U.S. activities under the President's Emergency Plan for AIDS Relief (PEPFAR) and noted that the first test of our bilateral cooperation would be the GVN's approval of the importation and use of new drugs by the end of March 2005. Second, the two sides needed to coordinate well "at a senior level" because of the scope of the project. He offered to brief Vietnam's National Committee on HIV/AIDS, Prostitution, and Drug Control at their convenience.

112. (SBU) Comment: Le Van Bang was fighting off a cold, facing the task of being State protocol chief during the visit of 39 top-level delegations to ASEM (including five consecutive bilateral state visits) and preparing for a four-country trip (October 13-29) to South America where he will advance the visit of President Tran Duc Luong to the region during the APEC meetings next month. This partially explains his relatively limited responses to the concerns we raised. VFM Bang's discussion of the Senate vote was curious, because the GVN is almost certainly aware that the VNHRA's chances are slim. He either has information we don't about the bill's chances of passage, or, counting on the bill's failure in the Senate, the MFA is looking for something it can call good news after the blow of CPC designation.
MARINE